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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,110	07/08/2003	Ajit Mathews	CE11057JI210	9113
22917 7590 02/05/2007 MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL01/3RD SCHAUMBURG, IL 60196			EXAMINER LI, ZHUO H	
			ART UNIT	PAPER NUMBER
			2185	
			MAIL DATE	DELIVERY MODE
			02/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/615,110	<b>Applicant(s)</b> MATHEWS ET AL.	
	<b>Examiner</b> Zhuo H. Li	<b>Art Unit</b> 2185	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 17-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Terminal Disclaimer*

1. The terminal disclaimer filed on 11/13/2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of copending Application 10/663,305 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is noted that the limitation “the at least one pack can be loaded and read without power recycling the radio communication device” cited in claim 15 was not described in the specification. Although the specification discloses a pointer to a starting location will be retrieved through a function call during the power up initialization of the data resource manager ([0015]), the specification failed to clearly describe to load and read at least one pack without

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power recycling the radio communication device. Thus, it fails to comply with the enablement requirement.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raymond et al. (US PAT. 6,108,697 hereinafter Raymond) in view of Sinclair et al. (WO 99/38066 hereinafter Sinclair).

Regarding claim 1, Raymond discloses a radio communication device (col. 5 lines 56-65, i.e., laptops, PDA or other mobile devices, figure 1) comprising a memory (216, figure 2), at least one pack that includes an image file that contains data (col. 7 lines 7-15, i.e., store

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downloaded disk image file 210 on a target disk 216), and a pack manager, including a pack loader (220, figure 2) and unloader (240, figure 2), is used for loading and unloading the at least one pack into and out of the memory (col. 8 lines 7-20 and col. 11 lines 6-18). Raymond differs from the claimed invention in not specifically teaching the pack manager loaded in the memory including a master pointer table and using the master pointer table for keeping track of the location of the at least one pack. However, Sinclair teaches a flash memory (18, figure 1) comprising a controller (16, figure 1) including a block address table, read as a master pointer table, loaded in the memory and using the block address table for keeping track of location of data (page 16 lines 5-16 and page 27 lines 10-29). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Raymond in having the pack manager loaded in the memory including a master pointer table and using the master pointer table for keeping track of the location of the at least one pack, as per teaching of Sinclair, in order to provide efficient storage and retrieval of data (see Sinclair, page 2 lines 12-16).

Regarding claims 2-3, Sinclair teaches the at least one data block, i.e., the at least one pack, containing a header portion, information portion and data portion, wherein the header portion comprises an identifier (page 5, lines 18-31 and page 12 line 29 through page 13 line 12), and the identifier in the header portion is unique to each type of data block and help identify the data block (page 17 line 29 through page 18 line 18).

Regarding claims 4-5, Sinclair teaches the header portion including information on a size of the at least one pack and information on the version of that at least one pack (page 12 line 29 through page 13 line 6).

Regarding claims 6-7, Sinclair discloses the information portion including information regarding a size of data located in the data portion and a checksum which is used by the pack manager to check integrity of the data stored in the at least one pack (page 13 lines 7-12).

Regarding claims 8-9, Raymond teaches a verifier (246, figure 2), read as an error checker, that is used to check for errors in the data found in at least one pack, wherein a checksum found in the at least one pack is checked by the pack manager to determined if the at least one pack is valid or invalid when the at least one pack is loaded into the radio communication device (col. 11 lines 41-60).

Regarding claims 10-11, Raymond teaches the at least one pack being loaded into the radio communication device over the air (col. 5 lines 56-65, i.e., RF connection), which is obvious using tethered download.

Regarding claim 12, Raymond discloses the radio communication device to automatically request that a pack be reset if the pack manager determines that an invalid pack has been located (col. 11 lines 41-51).

Regarding claims 13-14, Sinclair discloses the memory comprising a non-volatile memory, i.e., flash memory (abstract).

Regarding claim 15, Raymond teaches a copy of disk image being downloaded to a disk in a straightforward start-to-finish manner (col. 16 lines 9-10) so that one skill in the art would recognize Raymond teaching to load and read at least one pack without power recycling the radio communication device.

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Regarding claim 16, Sinclair teaches the at least one pack being comprised of different data types, and each different data types pack having an unique identifier (page 17 line 29 through page 18 line 18).

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O'Neil (US PAT. 6,832,373) discloses a system and method for updating and distributing information (abstract).

Pitzel et al. (US 20040059776) discloses a method for dynamically managing data type management (abstract).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is (571) 272-4183. The examiner can normally be reached on Tue-Fri 8:30 AM-6:00 PM, and alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sanjiv Shah can be reached on (571) 272-4098. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zhuo H. Li  
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